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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,903	10/19/2001	Manoel Tenorio	020431.0954	8331
5073	7590	05/23/2005		
BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980			EXAMINER BADII, BEHRANG	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 05/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/032,903	TENORIO, MANOEL	
	<b>Examiner</b>	<b>Art Unit</b>	
	Behrang Badii	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

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### ***Response to Arguments***

Applicant's arguments, see remarks, filed on 2/28/05, with respect to the rejection(s) of claim(s) 1-22 under double patenting, 35 USC 102 and 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Cain et al., WO 2001/55886 A2.

### **DETAILED ACTION**

Claims 1-22 have been examined.

P = page, e.g. p1 = page 1.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-22 have been rejected under 35 U.S.C. 102(e) as being anticipated by Cain et al., WO 2001/55886 A2.

As per claims 1, 8, 15 & 22, Cain et al. discloses an electronic commerce system/method/software for generating, updating, and managing multi-taxonomy environments, the system comprising (product classification):

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one or more databases operable to store product data for one or more products (p1, 7-12; p5, 28-32; p.6, 1-15, p.8, 1-18; fig.5; The system stores product data for different products one or more databases/ leaf nodes of the system);

a master global content directory (database) including a plurality of product classes organized in a hierarchy, each product class categorizing a plurality of products and associated with one or more attributes of the products categorized in the product class, at least one of the product classes having one or more associated product pointers that identify one or more of the databases (p.5, 28-32; p.6, 1-15; The system comprises of classifying products in a hierarchical organization consisting of master node of tree leaves);

one or more secondary content directories including one or more product classes organized in a hierarchy that is distinct from the hierarchy of the master global content directory, each product class being mapped to one or more product classes in the master global content directory and having one or more associated class pointers that identify the one or more product classes in the master global content directory to which the product class is mapped (p.5, 5-32; p.6, 1-32; (The system comprises of products being classified in a hierarchy that allows for the products to be placed due to their descriptions); and

a search interface (fig's 5-7) operable to:

receive a selection of a product class of a secondary content directory from a user, the selected product class having at least one class pointer identifying at least one product class in the master global content directory (p.9,

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1-24; fig.4b; p.66, 3-9; The system consists of secondary nodes which are classified in a hierarchy consisting of a primary node followed by secondary nodes which include products according to their descriptions.); and

communicate in response to selection of the product class by the user, a search query to one or more of the databases to search product data stored in the databases identified by one or more of the product pointers to facilitate a commercial transaction involving one or more products (p.9, 1-24; p.27, 1-32; Merchants, buyers and sellers can search the hierarchy of products for their particular transaction).

As per claims 2, 10 & 17, Cain et al. discloses wherein the secondary content directories are personal to one or more users and are organized in a hierarchy satisfying one or more requirements for the users (p.9, 1-24; p.21, 1-32; fig.4b, 2 & 3a).

As per claims 3, 11 & 18, Cain et al. discloses wherein a class pointer identifying a product class in the master global content directory also inherently identifies all product classes under the product classes in the hierarchy of the master global content directory (p.5, 28-32; p.6, 1-32; fig.5-7).

As per claims 4, 9, & 16, Cain et al. discloses wherein the search interface is further operable to (fig's 5-7):

receive the selection of a product class of a secondary content directory from a user of the secondary content directory (p.5, 1-32; p.6, 1-32; p.8, 7-20);

receive one or more search parameters for a product from the user (p.9, 1-32);

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determine the product classes in the master global content directory identified by the class pointers in the selected product class (p.5, 28-32, p.6, 1-32);

determine the databases identified by product pointers in the determined product classes of the master global content directory (fig.5-7; p.8, 1-20), and

communicate a search query having the search parameters to the determined databases (p.9, 1-32; p.66, 3-10; fig's 5-7).

As per claims 5, 12 & 19, Cain et al. discloses wherein access to the master global content directory is determined by which product classes in the master global content directory are identified by class pointers associated with the product classes in a secondary content directory (p.9, 1-32; p.18, 7-20; fig's 5-7; p.66, 3-10).

As per claims 6, 13 & 20, Cain et al. discloses wherein one or more of the product pointers identify particular product data in one or more of the databases (p.9, 1-32; p.18, 7-20; fig's 5-7; p.66, 3-10).

As per claims 7, 14 & 21, Cain et al. discloses wherein the search query comprises desired values, specified by the user of one of the secondary content directories, for one or more of the product attributes associated with a selected product class (p.9, 1-32; p.66, 3-10; fig.7).

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wong et al. (U.S. patent 5,890,175) discloses a dynamic generation and display of catalogs.

Barton, III et al. (U.S. patent 6,026,381) discloses a financial market classification system.

Foster et al. (U.S. patent application publication 2003/0130905) discloses a method, apparatus and system for merchandising related applications.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Behrang Badii whose telephone number is 571-272-6879. The examiner can normally be reached on Monday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Any response to this action should be mailed to:**

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**or faxed to (703)872-9306**

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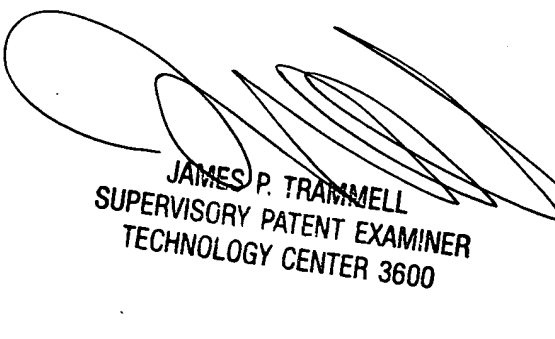


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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 3600 Customer Service Office whose telephone number is **(703) 306-5771**.

Behrang Badii  
Patent Examiner  
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BB



JAMES P. TRAMMELL  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600